

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HENRY E. BROWN,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
GROUND ZERO SHELTERS, CO.,)	Removed from the District
)	Court of Payne County, CJ-2015-222
Defendant.)	

NOTICE OF REMOVAL

Defendant Ground Zero Shelters, Co. (“Defendant”) hereby removes this action to the United States District Court for the Western District of Oklahoma from the District Court of Payne County, where it is pending, pursuant to 28 U.S.C. §§ 1331, 1441, 1446 *et seq.* In support of this Notice, Defendant states as follows:

1. On June 15, 2015, Plaintiff Henry E. Brown (“Plaintiff”) filed a Petition in the District Court of Payne County, State of Oklahoma, captioned *Henry E. Brown v. Ground Zero Shelters, Co.*, Case No. CJ-2015-222. In his Petition, Plaintiff asserts a claim under the Family Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (“FMLA”), as well as claims for Racial Discrimination, Hostile Work Environment & Retaliation, Intentional Infliction of Emotional Distress, Respondeat Superior, Violations of the Oklahoma Anti-Discrimination Act, and Wrongful Termination under Oklahoma public policy. Aside from Plaintiff’s service of the Petition, there have been no further state court proceedings in this action.

2. This Court has original federal-question jurisdiction over this action pursuant to 28 U.S.C. §1331 because, as set forth in Plaintiff's Petition, Plaintiff asserts and has plead a claim arising under a federal statute – the FMLA. Although Plaintiff did not reference the statute by name, the allegations in the Petition indicate that Plaintiff also asserts a discrimination claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e). (*See* Petition at ¶¶ 16-18). This Court has supplemental jurisdiction over Plaintiff's remaining state law claims pursuant to 28 U.S.C. § 1367(a) because those claims are so related to the FMLA and Title VII claims that they form part of the same case or controversy.

3. Venue is proper in this Court as this Court is the District Court of the United States for the district encompassing Payne County – the place where this action is currently pending.

4. Defendant has timely removed this action pursuant to 28 U.S.C. § 1446(b)(1) because Defendant filed its Notice of Removal within thirty (30) days after Defendant was served with Plaintiff's Petition.

5. In accordance with 28 U.S.C. § 1446(a) and Fed. R. Civ. P. 81.2(a), legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

Exhibit 1 – State Court Docket Sheet

Exhibit 2 – Petition

Exhibit 3 – Summons Issued to Defendant

Exhibit 4 – Return of Service for Summons

A civil cover sheet is also filed herewith.

6. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the clerk of the District Court of Payne County, State of Oklahoma, and is being served on all adverse parties.

WHEREFORE, Defendant respectfully requests that the above-entitled action be removed to this Court from the District Court of Payne County, that this Court accept jurisdiction over this action, and that this action be entered on the docket of this Court for further proceedings as though it had originally been instituted in this Court.

/s/ C. Eric Shephard

C. Eric Shephard, OBA No. 22299

Kevin R. Donelson, OBA No. 12647

FELLERS, SNIDER, BLANKENSHIP,

BAILEY & TIPPENS, P.C.

100 North Broadway, Suite 1700

Oklahoma City, OK 73102-8820

Telephone: (405) 232-0621

Facsimile: (405) 232-9659

Email: eshephard@fellerssnider.com
kdonelson@fellerssnider.com

*Attorneys for Defendant,
Ground Zero Shelters, Co.*

CERTIFICATE OF SERVICE

I hereby certify that on Friday, July 17, 2015, I filed the attached document with the Clerk of Court. Based on the records currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the Electronic Case Filing System.

I hereby certify that on Friday, July 17, 2015, I sent a copy of the above and foregoing via First Class U.S. Mail to Plaintiff's attorney of record as follows:

J. Derek Ingle, OBA No. 16509
E. Terrill Corley & Associates
1809 E. 15th Street
Tulsa, OK 74104-4610
Telephone: 918-744-6641

Further that a copy of said Notice of Removal was filed in the office of the Payne County Court Clerk in Case No. CJ-2015-222.

/s/ C. Eric Shephard
C. Eric Shephard

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